IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14963 of 2005

Between:

1 Maddala Veera Bhadram, S/o. Arjanna,
R/o. Srirangapatnam, Korukonda (M), E. G. District,
2 Maddala Ramana S/o. Arjanna,
R/o. Srirangapatnam, Korukonda (M), E. G. District,
3 Gandam Satyanarayana, S/o. Suryanarayana,
R/o. Kapavaram (V), Korukonda (M), E. G. District,

..... PETITIONERS

AND

1 The District Collector, E.G. District at Kakinada,
2 The Revenue Divisional Officer, Rajahmundry, E.G. District,
3 The Mandal Revenue Officer, Korukonda Mandal, E.G. District,
4 K. Suryakalavathi, W/o. K.B. Sheshagiri Rao,
Guntur, Guntur District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 2 and 3 in dispossessing the petitioners from the land to an extent of Ac. 12.14 cents, in R.S.Nos. 188, 189, 143 of Munagala Village, Ac. 12.86 cents in R.S.Nos. 259, 256, 260, 47 and 5/1,2 and 7 in Srirangapatnam, Munagala and Kapavaram Villages, and Ac. 8.23 cents R.S.no. 256 of munagala village, korukonda mandal, E.G. District, respectively without issuing any notice of considering the objections as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents not to dispossess the petitioners from the above lands in the interest of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioners:MR.K.VENKATESH

Counsel for the Respondent No.1 to 3: GP FOR REVENUE
Counsel for the Respondent No.4: NONE APPEARS

The Court, at the stage of admission, made the following :

ORAL ORDER

The petitioners filed the writ petition to declare the action of the 2nd and 3rd respondents in dispossessing the petitioners from the land to an extent of Ac.12.14 cents, in R.S.Nos.188, 189,143 of Munagala village, Ac.12.86 cents in R.S.Nos.259, 256,260,47 and 5/1,2 and 7 in Srirangapatnam, Munagala and Kapavaram villages and Ac.6.23 cents in R.S.No.25 of Munagala village, Korukonda Mandal, East Godavari District respectively without issuing any notice or considering the objections, as illegal and arbitrary.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The brief facts of the case of the petitioners in this writ petition is that they are cultivating tenants of the lands belonging to the 4th respondent since 1975. While the mater stood thus, the 2nd respondent issued a notice dated 26-05-2005 to the 4th respondent to surrender the excess land, which are in possession of the petitioners. Immediately, the petitioners being cultivating tenants of the said lands raised objections before the 2nd and 3rd respondents requesting not to dispossess them from the lands in question. But the 3rd respondent without issuing any notice or passing any orders in respect of their objections came to the lands on 07-07-2005 and tried to take forcible possession of the lands, is the main grievance in this writ petition.

Considering the above said facts and circumstances, the writ petition is disposed of with a direction to the respondents to dispose of the objections raised by the petitioners in response to the surrender notice dated 26-05-2005 issued by the 2nd respondent to the 4th respondent, within eight (8) weeks after receipt of a copy of this Order, according to law and till such decision is taken, the respondents are further directed not to dispossess the petitioners from the lands in question. In the circumstances there shall be no order as to costs.

ELIPE DHARMA RAO,J

12TH JULY 2005

NOTE:

Operative

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wire at

party's cost.

(B/O)

*TSNR

To

1 The District Collector, E.G. District at Kakinada,

2 The Revenue Divisional Officer, Rajahmundry, E.G. District,

3 The Mandal Revenue Officer, Korukonda Mandal, E.G. District,

4 Two CCS to G.P for Revenue, High Court Buildings, Hyderabad,(OUT)

5 Two C.D.Copies.